

PAINTELS HIS STORY ON STAND He Tried to Stop Supreme Court Submission.

(From Saturday's daily.)

THE hearing of the preliminary motion in the Rapid Transit case for a showing of authority on the part of the Hawaiian Tramways Company was concluded yesterday afternoon, and Judge Estee announced that he will render his decision as soon after the filing of briefs by the attorneys as possible. The attorneys are given until next Monday to file their list of authorities. The arguments of yesterday did not deal with the main question of injunction, but simply with the right of the Tramways Company to appear in court.

Manager Pain was on the stand as a witness for the Honolulu Rapid Transit Company yesterday morning, to show his part in the proceeding instituted in the Supreme Court. He made an all too ready witness, and his counsel, Mr. Dunne, angrily stopped him several times after he had attempted to answer the questions put to him by Mr. McClanahan. The examination was conducted almost exclusively on the affidavit of Mr. Pain, in this case, and his connection with the submission to the Supreme Court.

"In this affidavit," asked Mr. McClanahan of Mr. Pain, "do you, in referring to the compliance with chapter 45, laws of 1898, requiring foreign corporations to file articles of incorporation and by-laws, refer to these articles of association?"

"I referred to the articles of association and by-laws, the same as were filed in 1898."

"In 1898, then you found they were not there?"

"I found they had been taken away."

"By the court—Answer the question."

"No, they were not there."

"You have not denied in these pleadings that you were present in Supreme Court at the time of this submission of the agreed statement of facts?"

"I was there."

"Were you inside the railing, in the courtroom?"

"Yes, sir, at the attorneys' table."

"Were Paul Neumann and Mr. Stanley there?"

"Yes, sir."

"What were you there for?"

"To look around."

"Look around at what?"

"At the proceedings which were taking place."

"The proceedings between the Honolulu Rapid Transit Company and the Hawaiian Tramways Company?"

"The alleged proceedings."

"Was W. L. Stanley attorney for the Hawaiian Tramways Company?"

"He acted for Paul Neumann."

"And whom did Paul Neumann act for?"

"He acted on his own account."

"Did you make any protest at that hearing?"

"I had already protested to Mr. Neumann."

"On what ground did you protest?"

"I objected on the ground that it was contrary to the policy of the company since its start, and such case should be fought separately to the court of last resort."

"Why did you object to Mr. Neumann?"

"On policy."

"What had Mr. Neumann to do with the matter?"

"He had nothing to do with it."

"You had the sole authority?"

"Yes, sir."

"Where did you get that authority?"

"From the agreement of 1898, which was in force until January 1, 1901."

"After the objection to Mr. Neumann, did you make further objection?"

"Yes, sir, I objected to Judge Stanley."

"What had Judge Stanley to do with it?"

"He was arguing the case. I met Mr. Neumann in San Francisco, and he told me what he had done, and I asked why he did it. He said it was too late now; what was done could not be undone."

"It was after this protest to Mr. Stanley that this additional submission of fact was entered into, was it not?"

"I know of no such agreement."

"Here it is in your return; it is a stipulation of fact."

"It purports to be a stipulation."

"Did you know of that being signed by Holmes & Stanley?"

"Some question came up at the hearing, and I suppose that was it. I said to Judge Stanley, 'Good God, Stanley, what did you let Neumann put that thing up for; it's contrary to the whole policy of the company.' I had nothing to do with it at all; Mr. Neumann did it."

George E. Smithies, a former clerk in the Interior Department, testified as to the affidavit he had made regarding the filing of the articles of association, and stated that he had testified they were certified, only from memory.

An affidavit was also introduced from Treasurer Wright to the effect that his testimony as to the filing of the articles was not entirely correct, and he did not know whether they had been certified.

Mr. McClanahan then began his argument as to the rule against the attorneys, and the faulty showing of authority that had been made by Pain. He resumed again in the afternoon, and was followed by Mr. Dunne for plaintiff. The latter contended that there was no showing that the Supreme Court was involved in the controversy, and that the only matter before the court was the constitutionality of defendant's action. He spoke at length upon the laws governing foreign corporations, contending that the complainant had complied with every condition.

During his argument in response to a question, the court said: "The courts of every State and the United States Supreme Court have held that foreign corporations doing business in a State or Territory are subject to the laws of that State or Territory, and must live up to them."

Mr. McClanahan had the closing argument, following which, Judge Estee

announced that the attorneys might have until Monday to file briefs of their authorities. He said it would be some time before he could pass upon the case because of the great mass of documentary evidence before him.

NEWS OF WORLD CONDENSED

Setor Sagasta is improving in health. A political fight is on in Lower California.

Turkey has settled the Austrian claims.

The story of Yaqui outbreaks in Arizona is said to be true.

An effort is to be made to knock out the California primary law.

Sir Henry Strong has been sworn in as administrator of Canada.

The torpedo-boat Bailey has been accepted by the Navy Department.

Prince Christian, eldest son of the Danish Crown Prince, is quite ill.

The contract for paving and sewerage Havana will amount to \$10,850,898.

A Sicilian vendetta resulted in the shooting of two San Francisco men.

A cousin of General Buller has left San Diego and numerous unpaid debts.

Mr. and Mrs. W. C. Giles were burned to death in their cabin near Oakland.

N. A. Stranahan, of Oawego, will be appointed collector of the port of New York.

Five were injured in a Chicago collision between a fire truck and switch engine.

Four vessels foundered at the mouth of the Tyne with all hands, during a bad storm.

George R. Lives has been appointed corporation counsel by Mayor Low of Greater New York.

Fire in the Cudahy packing establishment at Kansas City, destroyed the cannery. Loss, \$150,000.

German records show there has been a heavy increase in emigration to the United States this year.

The total liabilities of the Pan-American Exposition amount to \$3,262,114, including capital stock.

The Australian federal government promises to reconsider the duties on kerosene, cottons and linens.

It was said that political influence will not count in the promotions of officers.

Miss Vanderbilt-Wackernann, examined as to her sanity, is pronounced by the physicians as greatly improved.

Herbert Pierce, of Massachusetts, has been appointed third assistant secretary of state, to succeed Mr. Crider.

A Catholic sister, at Ludlow, Ky., saved forty children from the parochial school, which was destroyed by fire.

The walls of the new power house for the University of Chicago collapsed on November 14, killing one man and injuring seven others, all workmen.

It is Stevens, general western passenger agent of the Great Northern Railway at Seattle, is dead.

The Board of Health has condemned San Francisco's Chinatown, and recommends its total obliteration.

Receiving teller George Zollenhofer, of the Williamsburg (Brooklyn) Savings Bank, has confessed to stealing \$50,000 from the bank.

A severe shock of an earthquake has done considerable damage in Southern Utah.

Nicaragua has made satisfactory guarantee to Great Britain for the protection of the natives on the Mosquito Coast.

Schley's loop seems to have been tightened about the prosecution's case.

The United States transport Warren struck a rock in the inland sea and ripped up twenty plates. She made Kobe safely and will be repaired at Yokohama.

DRIVER PULLED THE WRONG LINE

The gross stupidity of one of Pain's

ark engineers nearly caused a serious

accident on Nuuanu street yesterday

afternoon. About 3 o'clock a car laden

with passengers was waiting at the switch

on Nuuanu street close to W. W. Hall's

residence. The driver having succeeded

in slipping a few minutes off of the time

schedule, was indulging in a cigarette

and meditating on his chances of getting

a job with the Rapid Transit Company.

Presently the car from the valley

came in sight. It also had a full complement

of passengers. The driver had gone to

the whip, and the ancient structure

creaked as it tore down the hill. Instead

of checking speed as he approached the

waiting car, he increased it, and laying

on the reins exerted the beasts in front

of him to yet greater effort. He drove

a regular Geers finish, and soon saw his

own termination, which was both speedy

and complete.

He erred in pulling the wrong line

when he came to the switch. Had he

not done this all might have been well

and his name might have found a place

in the year's book of records. He cer-

tainly established a new mark for 20

yards unpaired.

His nerve failed him at the crucial

moment, however, and instead of turning

to the left he pulled to the right. Then

followed a crash which jarred the

passengers and stirred up their feelings

considerably. The down car ran off the

track, and the nondescript motive power

fell in a heap and were topped off by

the antiquated van. The poor brutes were

badly skinned about the knees.

Luckily, indeed, almost miraculously,

the passengers of the cars escaped serious

injury, and after a delay of ten

minutes for repairs, went on-jogging on

their way again.

THE BEST REMEDY FOR DIARRHOEA.

"Some years ago while at Martins-

burg, Va., I was taken with cholera

morbis, which was followed by diarr-

rhoea. The doctor's medicine did me

no good. I was advised to get a bottle

of Chamberlain's Colic, Cholera and

Diarrhoea Remedy, which I did, and it

cured me sound and well."—G. A. Morris,

Emberville, Pa., U. S. A. Sold by

all druggists and dealers. Benson,

Smith & Co., Ltd., agents for Hawaii

Territory.

Heavy Earthquake at Hilo.

HILO, Nov. 22.—A vigorous earth-

quake was felt on this island Friday

night at 10 o'clock. The shock came

in two distinct waves, probably ten

seconds apart. The second was the more

violent of the two and made the win-

dows rattle in many Hilo homes. At

the Volcano hotel the quaking was felt

and the opinion of the manager was

that the seismic wave started from the

nether regions of Mauna Loa.—Hilo

Tribune.

Mr. A. W. Carter came in on Saturday

from Hawaii ports.

MAUI FOLKS AT BAZAAR A Great Success of Wailuku Fair.

MAUI, Nov. 22.—Maui has had more

church fairs or bazaars during the last

week than ever before in her history.

The first event of the kind, given by

the Ladies' Guild of the Church of the

Good Shepherd of Wailuku, took place

at Alexander Hall the evening of the

16th.

The three pretty rooms were so beau-

tifully adorned as to be described, "fair-

ly" and a "dream of beauty." A large

number of people were in attendance.

The refreshments were all sold early in

the evening, and nearly every article at

the fancy tables before the evening was

over; \$300 was the large sum realized.

During last evening, the 22nd, the first

bazaar ever held by the Ladies' Aid So-

cieties of the Makawao Foreign Church

took place in Paia Hall.

It has been the annual custom of the

society to hold sales of fancy work some

time in November, but never before has

a regular church fair been given.

The interior of the hall was most profusely

decorated with ferns, potted plants,

bunting and other drapery. In the center

of the hall was the large octagonal

fancy work booth presided over by Mrs.

E. W. Hardy, Mrs. Dora von Tempisky

and Miss Irene Alken.

Nearby, in an adjoining corner, was a

pretty Christmas tree, dazzling with

the light of many candles, reflected in ad-

joining ornaments. This was the doll booth,

in charge of Mrs. D. C. Lindsay and

Mrs. E. L. Carley. Opposite this was the

ice cream booth, in pink and green,

presided over by Mrs. W. S. Nicoll and

Miss Betts. Adjoining was the lemonade

and ice drinks booth, decked out in

striking orange drapery and the green ferns.

Miss Clara Lewis, made this table the

center of attraction, ably assisted during

the latter part of the evening by Mr.

Diggs of Woodland, Cal. The candy

booth, adorned in red and green, was

an attractive corner, presided over by

Madames W. O. Alken and Geo. Wil-

son.

Opposite the candy table was the Japan-

ese booth, which was artistically

adorned with the lanterns, flags, umbrel-

las, fans, flowers and pottery of the Is-

land Empire. In addition to the green of

ferns and the vivid coloring of bunting,

here Misses Eva, Nellie, and Ethel

Smith dispensed tea and sweetmeats in

Japanese china, and sold articles of Ja-

panese art.

The Hawaiian booth, in red, white, blue

and green, in charge of Mrs. W. E. Mc-

Conkey, was a popular one, all the laihala

work being quickly sold.

One of the leading features of the bazaar

was the fish pond, which occupied one-

half of the stage. It was a mystic

bridge constructed of quaint bamboo,

with a large fishnet forming the water

below. After the payment of a fee (25

cents), the fisherman stood upon the

bridge and with pole and line angled un-

til he hooked some package containing

some fancy article.

Owing to the confusion attendant upon

an affair of the kind, the excellent mu-

sical program did not receive the atten-

tion it merited. However, the fine vocal

solos of Mr. C. D. Larkin were very

much appreciated, as well as the bril-

liant piano selections of Mr. Norton of

Spokaneville.

The singing of Hawaiian songs by a

sixty of Maunaloa girls was excellent,

and Miss Lowrie's piano solo was up to

her usual high standard.

The large number of the district

people present, which was more than

equalled by the large attendance of

Spokaneville residents. A free train